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February 16, 2006

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Certification of CPNI Filing; EB-06-TC-060; EB Docket No. 06-36

Dear Ms. Dortch:

LCR Telecommunications, LLC ("LCR"), by its undersigned attorneys, hereby submits its CPNI compliance certificate and accompanying statement in accordance with the Enforcement Bureau's Public Notice, DA 06-223, released January 30, 2006, and Public Notice, DA-06-258, released February 2, 2006. Please note that LCR is not currently marketing its service, however, the company follows the policies and procedures in the accompanying CPNI statement to the extent applicable. As deemed necessary by the Commission, LCR requests waiver/extension of the February 6, 2006 filing date provided in the Bureau's Public Notices. Although unable to submit its CPNI compliance certificate and accompanying statement within the brief seven day window provided for in the Bureau's January 30, 2006 Public Notice, LCR took steps to submit the requested materials at the earliest possible opportunity. In fact, the materials are being submitted only 10 days after the February 6, 2006 date. LCR believes that grant of the extension/waiver will serve the Commission's purposes as the record in the proceeding will be more complete given the acceptance of the Company's submission. In addition, no other parties will be prejudiced by the grant of the extension/waiver. Thus, LCR believes that good cause exists to grant this extension/waiver.

Please direct any questions regarding this submission to the undersigned.

Sincerely,



Thomas K. Crowe  
Gregory E. Kunkle<sup>1</sup>,  
Counsel for LCR  
Telecommunications, LLC

Enclosures

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<sup>1</sup> Admitted only in Virginia. Practice limited to federal communications matters.

**Statement Accompanying CPNI Certificate (February 6, 2006)**  
**EB-06-TC-060**  
**EB Docket No. 06-36**

LCR Telecommunications, LLC ("Company") does not use, disclose or permit access to, nor has it ever used, disclosed or permitted access to, Customer Proprietary Network Information ("CPNI") except as permitted under 47 U.S.C. § 222(d) or except as otherwise required by law pursuant to 47 U.S.C. § 222(c)(1) or except as permitted under 47 U.S.C. §§ 222(c)(1)(A) and 222(c)(1)(B). However, the safeguards in Section H below are followed and, to the extent that the Company finds it necessary to use, disclose or permit access to CPNI, the operating procedures in Sections A-G below are observed:

**A. Use of CPNI**

It is the Company's policy that the Company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) to which the customer already subscribes from the Company, without customer approval.

To the extent that the Company provides different categories of service, and a customer subscribes to more than one category of service offered by the Company, the Company may share CPNI among the Company's affiliated entities that provide a service offering to the customer; however, to the extent that the Company provides different categories of service, but a customer does not subscribe to more than one offering, the Company does not share CPNI with its affiliates, except by following the Notice requirements described below in Section B(2).

The Company does not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from the Company, unless the Company has customer approval to do so.

The Company does not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

Notwithstanding the forgoing:

It is the Company's policy that the Company may use, disclose, or permit access to CPNI to protect the rights or property of the Company, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

**B. Customer Approvals**

(1) It is the Company's policy that the Company may obtain approval through written, oral or electronic methods. The Company acknowledges that it bears the burden of demonstrating that any oral approvals have been given in compliance with the Commission's rules. The Company honors all approvals or disapprovals to use, disclose, or permit access to a customer's CPNI until the customer revokes or limits such approval or disapproval. The

Company maintains records of approval, regardless of the form of such approval, for at least one year.

(2) Opt-Out and Opt-In Approval Processes. It is the Company's policy that it may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. It is the Company's policy that it may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. It is the Company's policy that it may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth in Section B(3) below.

(3) Joint Venture/Contractor Safeguards. The Company requires that, with respect to CPNI for which it discloses or provides access to its joint venture partners or independent contractors, the Company must enter into confidentiality agreements with such entities that (a) require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided, and (b) disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law, and (c) require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of CPNI.

(4) Except as provided herein, or as otherwise provided in Section 222 of the Communications Act of 1934, as amended, the Company only uses, discloses, or permits access to its customer's individually identifiable CPNI subject to opt-in approval.

### **C. Notice Required For Use Of Customer Proprietary Network Information**

It is the Company's policy that prior to any solicitation for customer approval, notification is provided to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. The Company maintains such records of notification, whether oral, written or electronic, for at least one year.

It is the Company's policy that individual notice to customers is provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

### **D. Notice Content Requirements**

Company notices must comply with the following requirements:

1. Notices must provide sufficient information to enable the customer to make an informed decision as to whether to permit the Company to use, disclose, or permit access to, the customer's CPNI.

2. Notices must state that the customer has a right, and the Company has a duty, under federal law, to protect the confidentiality of CPNI.
3. Notices must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.
4. Notices must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes.
5. Notices must be comprehensible and must not be misleading.
6. To the extent that written Notices are provided, the Notices are clearly legible, use sufficiently large type, and are placed in an area so as to be readily apparent to a customer.
7. If any portion of a Notice is translated into another language, then all portions of the Notice must be translated into that language.
8. The Notice may state that the customer's approval to use CPNI may enhance the Company's ability to offer products and services tailored to the customer's needs. The Notice may also state that the Company may be compelled to disclose CPNI to any person upon affirmative written request by the customer.
9. Notices may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.
10. Notices must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from the Company is valid until the customer affirmatively revokes or limits such approval or denial.
11. The Company's solicitation for approval must be proximate to the Notice of a customer's CPNI rights.

#### **E. Opt-Out Notice Requirements**

It is the Company's policy that Notices to obtain opt-out approval be given only through electronic or written methods, and not by oral communication (except as provided with respect to one-time use of CPNI below).

The contents of any such notification must comply with the Notice Content requirements described above.

It is the Company's policy to wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. This 30-day minimum period is calculated as follows: (1) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the Notice was sent; and (2) In the case of Notice by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed. It is the Company's policy to notify customers as to the applicable waiting period for a response before approval is assumed.

For those instances in which the Company uses the opt-out mechanism, the Company provides notices to applicable customers every two years.

For those instances in which the Company uses e-mail to provide opt-out notices, the Company follows the additional requirements in addition to the requirements generally applicable to notification:

- (i) The Company must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;
- (ii) The Company must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;
- (iii) Opt-out e-mail notices that are returned to the Company as undeliverable must be sent to the customer in another form before the Company considers the customer to have received notice;
- (iv) the subject line of the message must clearly and accurately identify the subject matter of the e-mail; and
- (v) The Company makes available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week.

## **F. Opt-In Notice Requirements**

It is the Company's policy that Notices to obtain opt-in approval be given through oral, written, or electronic methods.

The contents of any such notification must comply with the Notice Content requirements described above.

## **G. One-Time Use of CPNI Notice Requirements**

The Company may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call. The Company requires that the contents of any such notification must comply with the Notice Content requirements described above, except that the Company may omit any of the following notice provisions if not relevant to the limited use for which the Company seeks CPNI:

- (i) the requirement that the Company advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) the requirement that the Company advise customers that they may share CPNI with their affiliates or third-parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third-party;

(iii) the requirement that the Company disclose the means by which a customer can deny or withdraw future access to CPNI, so long as explanation is given to customers that the scope of the approval the Company seeks is limited to one-time use; and

(iv) The Company may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the Company clearly communicates that the customer can deny access to his CPNI for the call.

## **H. Safeguards**

It is the policy of the Company to train its personnel as to the circumstances under which CPNI may, and may not, be used or disclosed. In addition, the Company has established a written disciplinary process in instances where its personnel do not comply with established policies.

It is the Company's policy to require that a record be maintained of its own and its affiliates' sales and marketing campaigns that use their customers' CPNI. The Company maintains a record of all instances where CPNI was disclosed or provided to other third-parties, or where third-parties were allowed to access such CPNI. The record includes a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Such records are retained for a minimum of one year.

The Company has established a mandatory supervisory review process regarding compliance with CPNI rules for outbound marketing. Sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval. The Company's policies require that records pertaining to such carrier compliance be retained for a minimum period of one year.

In compliance with Section 64.2009(e), the Company will prepare a "compliance certificate" signed by an officer on an annual basis stating that the officer has personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with 47 C.F.R. § 64.2009(e). The certificate is to be accompanied by a statement explaining how the Company's operating procedures ensure that it is or is not compliant with the rules in this subpart.

It is the Company's policy to provide written notice to the FCC within five business days of any instance where the opt-out mechanisms do not work properly, such that a consumer's inability to opt-out is more than an anomaly. The written notice shall comply with the 47 C.F.R. § 64.2009(f).

# CERTIFICATION

I, Martin J. Tibbitts hereby certify that I am an officer of LCR Telecommunications, LLC and that I am authorized to make this certification for LCR Telecommunications, LLC. I further hereby certify that I have personal knowledge that LCR Telecommunications, LLC has established operating procedures that are adequate to ensure compliance with the FCC's CPNI rules as contained in 47 C.F.R. §§ 64.2001-2009. I hereby certify that to the best of my knowledge and belief, under penalty of perjury, the foregoing statements are true and correct. Executed on 2-3-06.

Signed

  
Managing Member

Title (Print)